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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,718

01/19/2005

Paulus Cornelis Neervoort

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HUYNH, THU V

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary •

Application No.

10/521,718

Applicant(s)

NEERVOORT ET AL.

Examiner

Thu V. Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/19/05 and 08/31/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: IDS filed on 01/19/05 and 08/31/05 and application filed on 01/12/05; which has foreign priority filed on 07/24/2002.
2. Claims 1-7 are pending in the case. Claims 1 and 7 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement filed 08/31/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
5. The information disclosure statement (IDS) submitted on 01/19/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. **Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 1 and 5-7, respectively of copending Application No. 10/521,706. Although the conflicting claims are not identical, they are not patentably distinct from each other because: the steps for performing the method in '706 is the same as the steps in instant application, excepting the "game element" and "game**

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board” in the ‘706 are respectively called “display unit” and “media device” in the instant application.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize that game element includes in a display for the user plays the game and the game board is a media device.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al., US 2003/0227438 A1, filed 06/05/02.**

Regarding independent claim 1, Campbell teaches the steps of:

- connecting or attaching the display unit to a first location relative to a media device
(Campbell, [0020], [0021]; connecting a display unit 56 to computer 62 through data port 50);

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- determining, by the media device, the first location of the display unit (Campbell, [0020], [0021]; display unit is detected when connect to the data port by the computer);
- determining, by the media device, a first information item representing content, wherein said first information item is dependent on said location and a content presented on the media device (Campbell, [0020]-[0022], [0031]; determining, by the computer, a selected image on the computer for copy to display unit);
- transferring, by the media device, the first information item to the display unit (Campbell, [0020]-[0022]; [0031]); the selected image is copied to the display unit 56)
- receiving and presenting said first information item on the display unit (Campbell, [0020]-[0022]; [0031]; the selected image is copied and display on the screen 60 of the display unit)

Regarding claim 2, which is dependent on claim 1, Campbell teaches the steps of:

- transmitting, by at least one transmitter located on the display unit, at least one signal identifying said display unit (Campbell, [0031], [0048]; sending display unit's information regarding the physical orientation);
- receiving, by at least one sensor located on the media device, at least one identifying signal (Campbell, [0031], [0048]; the computer receives the display unit's information regarding the physical orientation);

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- determining, by the media device, the first location based on at least one identifying signal (Campbell, [0031], [0048]; the computer determines the location of the display unit based on receive information).

Regarding claim 3, which is dependent on claim 1, Campbell teaches the steps of:

- disconnecting the display unit from the first location (Campbell, fig. 1; [0023]; the display unit is removed and placed to another location); and
 - connecting the display unit to a second location relative to the media device.
- (Campbell, fig. 1; [0023]; the display unit is removed and placed to another location).

Regarding claim 4, which is dependent on claim 1, refer to the rationale relied to reject claim 1, the limitation of “the media device is a personal computer, a television, a camera, a video camera, a game unit or mobile unit” is included. The rationale is incorporated herein.

Claim 5 is for a computer system performing the method of claim 1 and is rejected under the same rationale.

Claim 6 is for a computer readable medium comprising program codes for performing the method of claim 1 and is rejected under the same rationale.

Regarding independent claim 7, Campbell teaches the steps of:

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- means for connecting or attaching to a first location relative to a media device (Campbell, [0020], [0021]; connecting a display unit 56 to computer 62 through data port 50);
- means for transmitting, by at least one transmitter located on the display unit, at least one signal identifying said display unit (Campbell, [0031], [0048]; sending display unit's information regarding the physical orientation); and
- means for receiving and means for presenting a first information item representing content, wherein the first information item is dependent on said location and content presented on the media device, and wherein said first information item is sent from the media device (Campbell, [0020]-[0022], [0031]; determining, by the computer, a selected image on the computer for copy to display unit and displaying the selected image in screen 60 of the display unit).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yasuda, US 2001/0040532 A1, filed 03/95, teaches communication terminal apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thu V. Huynh
October 13, 2006